# EXHIBIT 19
# Filed Under Seal

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1    Q   Do you understand that when you're playing   10:39AM
2    in standalone mode, you can have different tabs or
3    workspaces?
4        MR. LEE:  Objection to form.
5        THE WITNESS:  Again, it's a lot of   10:39AM
6    different code in here.  So I would have to look
7    back through my report in more detail and try to see
8    the extent to which I analyzed the workspace tab
9    code, et cetera.
10   BY MR. HEFAZI:                        10:39AM
11       Q   Okay.  And you didn't look at the YouTube
12   Remote source code to see whether you can play back
13   videos outside of the queue workspace or queue tab?
14       A   Again, I think as I mentioned a couple times
15   before, the theory put forth about -- Dr. B's theory   10:39AM
16   he put forth about being able to play -- his claim
17   that you can play back the content from the
18   recommended tab without requiring pressing on the
19   queue was a new thing that he added recently, as far
20   as I know.                          10:40AM
21       And so I did review the code as I
22   recollect, but I did not know his theory at that
23   point because he had not articulated it.  And based
24   on the other evidence that he had presented to that
25   point, and what he presented in his opening report   10:40AM

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1    in my -- I think it's in my rebuttal report on   10:42AM
2    Paragraph 328 is by using the plus icon.
3        Those are the things that I saw and read
4    about based on the evidence that was provided at the
5    time.                              10:42AM
6        Q   And none of what you mentioned was the
7    source code for the YouTube Remote prior art, so you
8    didn't consider the source code for the YouTube
9    Remote prior art when analyzing whether or not you
10   can play back autoplay recommended videos without   10:42AM
11   first using the plus sign to add them to the queue?
12       A   I don't recall seeing that --
13       MR. LEE:  Objection, form.
14       THE WITNESS:  I don't recall seeing that
15   in my review of the code.               10:42AM
16       But as I mentioned earlier, Dr. B's
17   theories with respect to how the purported
18   recommended tab could be used in order to initiate
19   playback of non-explicitly added items was something
20   that came very late in the process.  I believe it   10:43AM
21   was a week ago or so.
22       So as a result, I have not had a chance to
23   review that code.  If I get a chance to review that
24   code, I would be happy to review the code.
25

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1    and also what I recall from Mr. Levai's deposition   10:40AM
2    testimony and other things I've seen, I don't recall
3    seeing that particular capability put forward.
4        So I don't recall seeing --
5        Q   How long did you spend reviewing the   10:40AM
6    source code computer that contained the YouTube
7    Remote prior art source code?
8        A   I don't recall.
9        Q   Was it more than ten hours?
10       A   I'm not sure.                  10:41AM
11       Q   Was it more than five hours?
12       A   I don't know.
13       Q   Okay.  And based on your -- sitting here
14   right now, you don't recall whether the YouTube
15   Remote source code allows you to play back   10:41AM
16   recommended videos outside and without using the
17   plus icon?
18       A   So based on the evidence that I reviewed,
19   which included the videos that Dr. B pointed to, all
20   of which showed using the plus sign to add videos to   10:41AM
21   the playback queue in standalone mode, and based on
22   what he described in his opening report, and also what
23   I recall Mr. Levai testifying to, it was my
24   understanding that that was the way you would get
25   videos added to a local playback queue, as I describe   10:42AM

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1    BY MR. HEFAZI:                        10:43AM
2        Q   Sitting here today, you have not reviewed
3    the code relating to autoplay recommended videos?
4        A   I may have very well reviewed the code.  As
5    to what he is alleging in his new theories, I don't   10:43AM
6    recall getting the same impression from looking at it.
7        But as I said, I would be happy to review
8    the code.  If I'm given the opportunity to review
9    the code, I would be happy to and will update my
10   opinion or not depending what I find.        10:43AM
11       It's also, of course, very important to
12   note as we've seen many times that just the presence
13   of code doesn't always mean that that code is
14   necessarily used on a device or made available.
15       So it's hard to know without considering   10:44AM
16   other evidence precisely how things work or don't
17   work.
18       Q   Okay.  Let me ask you a different way.
19       So in this picture it says, "Now playing
20   from the search tab."  Correct?              10:44AM
21       A   It doesn't say that, but -- I'm sorry, it
22   does say that, yes, sorry.  Well, it says, "Now
23   playing from search:  Nature photos," that's right.
24       Q   And so you can see there is a tab called
25   "Search Nature Photos"; correct?            10:44AM

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17 (Pages 62 - 65)

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1    A    I can see it says something along those    10:44AM
2    lines, that's correct.
3    Q    Okay.  And the video is playing from that
4    tab; correct?
5        MR. LEE:  Objection to form.    10:44AM
6        THE WITNESS:  Again, it's somewhat hard to
7    know exactly what's being shown here because we
8    didn't have a chance to play with an actual working
9    YouTube Remote device that -- didn't get to play
10    with one that worked, much less one that would have    10:45AM
11    worked from the relevant time frame.
12        So it's a little hard to know precisely
13    what's going on there.
14    BY MR. HEFAZI:
15    Q    Okay.  And your testimony to the ladies    10:45AM
16    and gentlemen of the jury is that from this image,
17    you can't tell if a video is being played from this
18    search tab rather than the queue tab; correct?
19        MR. LEE:  Objection to form.
20        THE WITNESS:  There is a variety of things    10:45AM
21    that are not clear from just looking at a snapshot
22    taken out of context.
23    BY MR. HEFAZI:
24    Q    So let me get an answer to my question,
25    which was whether from the image here, you can --    10:45AM

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1    know.    10:47AM
2        Since in this case we were not provided
3    with working versions of anything, being able to
4    speculate -- it becomes speculation, was that an
5    actual screenshot from an actual device, was it a    10:47AM
6    mockup put there?
7        It's hard to say.  We really don't know.
8    Was that even a feature that was ever available in a
9    working product or was it just something that was
10    shown in a demo?  I have no idea.    10:47AM
11    BY MR. HEFAZI:
12    Q    Okay.  And so your testimony is that the,
13    you know, app screenshots shown on this website
14    could be doctored mockups; is that right?
15    A    My testimony is it's not clear what those    10:48AM
16    things are.
17    Q    Okay.
18    A    So maybe they are real, maybe they are not
19    real.  It's not clear.
20        So that's why I have to rely on other    10:48AM
21    evidence like other things in the case and that's
22    why it's particularly useful to be able to look at
23    something and play with it to get a better feeling
24    for what it's actually doing versus what it might be
25    doing.    10:48AM

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1    well, strike that.  Let me reask the question here.    10:45AM
2        From the image here, your testimony is
3    that you cannot tell whether this video is being
4    played in the search tab as opposed to having been
5    added and played in the queue tab; is that your    10:46AM
6    testimony?
7        MR. LEE:  Object to form.
8        THE WITNESS:  I think the bigger issue
9    here for me is these are just screenshots.  We don't
10    have any way of knowing whether that was actually    10:46AM
11    something that ever worked.  Perhaps it was a
12    mockup.
13        It's quite easy to use tools to create
14    very realistic-looking screens, typically called the
15    wireframing process in app design.    10:46AM
16        So just looking at a screenshot, even one
17    that's got a date on it, says really nothing about
18    whether that's something that was real, whether that
19    was something that was mocked up.
20        And so without having actually seen    10:47AM
21    something that was a bit more live, like a video
22    showing it, and even then it can still be
23    questionable whether something is working or whether
24    it's just a mockup because wireframe technology has
25    been around for a long time.  It's really hard to    10:47AM

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1    Q    Does the source code reflect what the    10:48AM
2    device is doing?
3        MR. LEE:  Objection, form.
4        THE WITNESS:  It depends on a lot of
5    things.  It depends on whether it's source code    10:48AM
6    that's available at the relevant point in time.  It
7    depends on whether the source code that's available
8    is actually source code that's used versus source
9    code that might be available.
10        Again, that's why this particular new    10:48AM
11    theory put forth by Dr. B is somewhat problematic,
12    because I don't believe he had been articulating
13    that theory earlier, and therefore, my ability to
14    analyze his claims, it's very abbreviated because I
15    haven't had a chance to take a look at that since it    10:49AM
16    wasn't something he offered up prior to a week or so
17    ago.
18    Q    Okay.  And then you see it says, "About
19    this app"?
20    A    I see that, yes.    10:49AM
21    Q    You see it says, "Updated August 10th,
22    2011."  Right?
23    A    I see that, yes.
24    Q    And it says the current version is 2.07;
25    right?    10:49AM

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18 (Pages 66 - 69)

1    THE WITNESS: It's my understanding --    10:55AM
2 again, as I state here in Paragraph 190, it's my
3 understanding that that capability was available
4 with respect to the limitations I put forth in later
5 analyses and later paragraphs.    10:55AM
6    Just pointing that I think the main point
7 there was if somebody wanted to play back content,
8 they would have normally done so using the
9 fully-featured YouTube app, not the YouTube Remote
10 application.    10:55AM
11 BY MR. HEFAZI:
12    Q    Okay. So that I think was what I was
13 trying to understand.
14    So you're not saying that the YouTube
15 Remote application is not able to play back, you    10:55AM
16 know, a queue on the phone when in party mode or
17 non-party mode.
18    Your opinion is instead it was just, you
19 know, not conventional or typical; is that right?
20    A    I think you did a nice job of paraphrasing    10:56AM
21 my opinion which is stated at the very end of
22 Paragraph 190, that preview mode was an unconventional
23 use of the YouTube Remote application and therefore
24 doesn't show up much.
25    I think it showed up in one of the six    10:56AM

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1 videos that Dr. B provided.    10:56AM
2    Q    Okay. It also showed up in various
3 screenshots that you provided; correct?
4    A    Those screenshots were probably taken from
5 video 1, but to the extent that they came from    10:56AM
6 video 1, that would be consistent.
7    Q    Have you seen preview mode outside of
8 video 1?
9    A    That's a good question. I think -- I
10 remember thinking when I wrote my report that it was    10:56AM
11 only shown in one of the six videos. I think that was
12 video 1.
13    Q    Okay. What about -- do you recall if
14 Dr. Bhattacharjee cited any screenshots of the
15 YouTube Remote operating in standalone mode?    10:57AM
16    A    I don't recall off the top of my head.
17    Q    Now, you understand the system to
18 invalidate the patent even if the invalidating mode
19 is, you know, so-called atypical; right?
20    MR. LEE: Objection to form.    10:57AM
21    THE WITNESS: That's my understanding, I'm
22 not a lawyer. But that's my understanding.
23 BY MR. HEFAZI:
24    Q    Okay. So you're not arguing here that the
25 YouTube Remote's party mode does not invalidate the    10:57AM

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1 claims of the '033 patent because standalone mode    10:57AM
2 was atypical; right?
3    MR. LEE: Objection to form.
4    THE WITNESS: I think I'm really
5 discussing this more in the context of other    10:58AM
6 features or non-features of YouTube Remote.
7    And the discussion in Paragraph 190 is
8 really contrasting with the other videos, videos 2
9 through 6, where the playback never takes place on
10 the YouTube application on the phone but only occurs    10:58AM
11 on the paired Leanback screen where the YouTube
12 application is just used to control the playback and
13 contrasting the common case, which is described in
14 Paragraph 189 and above, with the more atypical use
15 case in Paragraph 190 and below.    10:58AM
16 BY MR. HEFAZI:
17    Q    Okay. So just to make sure I understand
18 correctly, you're providing here context, I guess,
19 about how the YouTube Remote is, in your view,
20 typically used but in your claim analysis, you're    10:59AM
21 not arguing that the YouTube Remote in party mode or
22 in non-party mode was not able to play back a queue
23 on the phone; correct?
24    MR. LEE: Objection, form.
25    THE WITNESS: I think so. The main    10:59AM

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1 arguments about YouTube Remote not being relevant    10:59AM
2 prior art, not showing anticipation of the claims
3 have to do with other features it lacked, remote
4 playback queue and things like that.
5 BY MR. HEFAZI:    10:59AM
6    Q    So if the jury -- strike that.
7    Even if the jury agreed with you that the
8 standalone or local playback mode was atypical, they
9 could still find the claims of the '033 patent
10 invalid; correct?    11:00AM
11    MR. LEE: Objection to form.
12    THE WITNESS: That probably requires a
13 legal conclusion because I don't know all the other
14 stipulations or work -- motions or decisions that
15 might affect that.    11:00AM
16    It seems plausible, but, again, without
17 knowing more about the totality of the case and
18 court orders and so on, it's hard to know what the
19 jury would or wouldn't find.
20 BY MR. HEFAZI:    11:00AM
21    Q    I'm not asking what the jury would or
22 would not find. I'm just asking -- so I guess you
23 already probably even said this, that the fact that
24 a feature is not -- is atypical doesn't mean the
25 jury cannot find, you know, the claims are invalid    11:00AM

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20 (Pages 74 - 77)

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1  based on, you know, so-called atypical --          11:01AM
2     A   Again, I'm not really here to speculate what
3  the jury might or might not do.  It's not really my
4  role to speculate on the jury.
5        I think I made it clear earlier that as I    11:01AM
6  state at the end of Paragraph 190, it was my opinion
7  that preview mode was an atypical or an
8  unconventional use of the YouTube Remote
9  application.  I think that was the main real gist of
10 that discussion in Paragraph 190.              11:01AM
11    Q   And an atypical mode can still invalidate
12 a patent?
13       MR. LEE:  Objection to form.
14       THE WITNESS:  Again, I'm not a lawyer, I'm
15 not an expert in claim construction and so on.    11:01AM
16       But it's my understanding that that would
17 be possible.  But again, that's based on my
18 understanding as a technical expert.
19 BY MR. HEFAZI:
20    Q   When you're in party mode, you understand    11:01AM
21 the mobile device running the YouTube Remote
22 application played back a party queue in the
23 standalone mode; right?
24    A   No, that's not my understanding, no.
25    Q   Okay.  It didn't play back a party queue?    11:02AM

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1     A   I think there is a nice diagram somewhere in 11:02AM
2  this section that kind of shows what is going on with
3  party mode and how it's playing things back.
4        So I think if we take a look on Page 46, I
5  think it has a kind of diagram that shows roughly    11:02AM
6  what's going on here.
7     Q   Just to be clear on the record, I didn't
8  mean to interrupt you, but you're looking at your
9  rebuttal report; correct?
10    A   That's correct.  I apologize, I'm looking at 11:02AM
11 Page 46 of my rebuttal report, that's right.
12    Q   Okay.  And so the party queue, is that not
13 stored on the lounge servers?
14    A   So it's my understanding -- and I describe
15 this again in detail throughout this report -- that    11:03AM
16 the behavior of the YouTube Remote system including
17 the YouTube Remote applications and then the so-called
18 Leanback screens or screens as they are sometimes
19 called which is the receivers, that it behaves the
20 same whether it's in party mode or non-party mode with 11:03AM
21 respect to how information, things like playlists flow
22 from a remote control or a smartphone app running the
23 YouTube app, running YouTube Remote, to the Leanback
24 screens.
25       And it's my understanding as I also talk    11:04AM

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1  about in the report that the list that you're          11:04AM
2  talking to, I think it's called the party list, in
3  all cases when a user wants to connect from the
4  application to the Leanback screens, information is
5  sent from -- the playlist is sent from the user's    11:04AM
6  device through the so-called lounge servers and
7  essentially forwarded on to the Leanback screens.
8        And I understand that the main difference
9  is that with the party mode that a copy of that list
10 is stored in the lounge server and basically used to    11:04AM
11 coordinate between the various -- the host and the
12 various guests.
13       In fact, I think it basically talks about
14 this at the end of Paragraph 200 about how there's
15 really no difference between party mode and          11:05AM
16 non-party mode except that in party mode, the lounge
17 server has this copy of the list that it uses to
18 coordinate with so-called guest devices in addition
19 to the host's device or devices.
20    Q   And the source code that you reviewed and    11:05AM
21 that Dr. Bhattacharjee cited, do you recall whether
22 that refers to the copy stored on the server as the,
23 quote, party queue?
24    A   Excuse me.  I'm familiar with that term
25 "party queue," but it's not what is used to play back  11:05AM

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1  the -- I think the question you asked me was about    11:05AM
2  whether the queue was used to play back what was shown
3  on the screens.
4     Q   Yeah, I guess let me ask a different
5  question.                              11:06AM
6        Are you disputing that the lounge server
7  stores a, quote, party queue?
8     A   I believe that I talk about this in
9  Paragraph 207 about how there being this party queue
10 and I talk about how, in Paragraph 208, that the       11:06AM
11 lounge server saves a copy of the set party playlist
12 message which is what, as Mr. Levai talks about, that
13 the set playlist message sent from the lounge server
14 to the screens contains the cloud-hosted party queue.
15       I also say at the bottom of Paragraph 208    11:06AM
16 that the lounge server uses its saved copy of the
17 playlist from the set party playlist, or what's
18 called the party queue, to relay any new Leanback
19 screens or remote controls that join the existing
20 party mode session a copy of the playlist.          11:07AM
21    Q   Okay.  So in your opinion, when a
22 standalone mode -- a YouTube Remote application is
23 playing back a copy of the party queue that was
24 relayed from the server, is that right?
25    A   Again, I think I see this a couple of       11:07AM

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21 (Pages 78 - 81)

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1 places, talking about this. If you see, it's          11:07AM
2 Paragraph 216, which I believe is in the context of my
3 analysis of so-called party mode, as with non-party
4 mode, in party mode, there's one playback queue in the
5 YouTube Remote system's party mode and it's the local  11:08AM
6 playback queue on the Leanback screens.
7          And the copy of the set playlist, which is
8 described in various places, but certainly in
9 Paragraph 209 at length and Paragraph 210, is that
10 as Mr. Levai testifies, the Leanback screen in party   11:08AM
11 mode uses a copy of the party playlist, or so-called
12 party queue, stored in the lounge server and the
13 Leanback screen uses this copy as its local playback
14 queue for playback without any dependency on the
15 copy of the playlist that's in the lounge server.      11:09AM
16          Conceivably if the lounge server was to go
17 down for whatever reason or become disconnected for
18 whatever reason, the Leanback screens would still be
19 able to play the content because they are playing
20 out of their local playback queues.                    11:09AM
21     Q    If a user made an edit to the party queue,
22 do those edits first get made to the party queue
23 stored in the cloud and thereafter provided to other
24 devices in the party?
25     A    I describe this in Paragraph 213 of my        11:09AM

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1 rebuttal report where I talk about how the connected   11:09AM
2 remote, which is the one that's owned by the host or
3 used by the host, that's in party mode does have the
4 ability to modify or edit the playlist with updates.
5          And then the rest of Paragraph 213 goes        11:10AM
6 into some detail about how the different messages
7 are sent around like a party playlist modified
8 message and that's what is sent from the remote
9 control to the lounge server.
10          It's my understanding that the lounge         11:10AM
11 server then sends the Leanback screens, something
12 called an update playlist message.
13          Those are just reflecting any changes or
14 edits that the host may have made to the playlist
15 with those updates.                                    11:10AM
16     Q    So the answer is yes, the edits are first
17 made in the party queue and then an update party
18 playlist is sent to the other devices; correct?
19          MR. LEE:  Objection to form.
20          THE WITNESS:  It's my understanding, as I     11:10AM
21 say in Paragraph 214, that irrespective of whether
22 we're in party mode or non-party mode, that the
23 messages that are sent from the lounge server, such
24 as the update playlist message, they are the same in
25 either mode.                                           11:11AM

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1          So when we're in party mode or if we're       11:11AM
2 not in party mode, if the user makes changes to the
3 list, the person who's the host in that case running
4 the YouTube Remote app makes changes, there is a set
5 of messages set up and the lounge server will send     11:11AM
6 those update playlist messages to the lounge, the
7 Leanback screens irrespective of whether we're in
8 party mode or non-party mode.
9          So I don't really think party mode --
10 party mode does not really add anything to the way     11:11AM
11 in which the protocol works as I understand it.
12     Q    Non-party mode didn't store the queue in
13 the cloud; correct?
14     A    That's correct.  But the point I'm making in
15 Paragraph 214 is that updates that are sent are going  11:12AM
16 to be disseminated from the lounge server down to the
17 Leanback screens in both party mode and non-party
18 mode.
19     Q    And before they are disseminated to the
20 screens, though, they are saved and updated to party   11:12AM
21 queue?
22     A    The copy of the changes that the user has
23 directed from their YouTube Remote application will be
24 used to update the copy of the queue that is in the
25 lounge server when running in party mode.              11:12AM

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1          As we saw, really the only difference is      11:12AM
2 that queue is kept around in order to coordinate the
3 interactions.
4          So as I say in Paragraph 202, the lounge
5 server -- the copy of the playlist stored on the       11:13AM
6 lounge server in party mode was not used for
7 playback.
8          Rather, the lounge server used a copy of
9 the playlist with whatever edits might have been
10 provided to it by the host to coordinate, to make      11:13AM
11 sure that every device had the same order of videos
12 with the Leanback screens and the remote controls
13 that were used to control or connect to the session.
14     Q    And so I just want to make sure I
15 understand your -- we're on the same page in terms     11:13AM
16 of our understanding of how party mode works.
17          Let's take an example.  Let's say you have
18 Alice and Alice has a YouTube Remote application on
19 her mobile phone.
20          Are you with me so far?                       11:13AM
21     A    I am.
22     Q    Alice can initiate party mode by inviting
23 a guest to the party, let's call him Bob; correct?
24     A    That's my understanding.
25     Q    When Alice invites or initiates party mode   11:14AM

22 (Pages 82 - 85)

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1  by inviting Bob, the playback queue that she was       11:14AM
2  playing on her phone is sent to the lounge server
3  and stored as a party queue; correct?
4       A   So I think as I mentioned before, the
5  behavior of party mode and non-party mode are roughly  11:14AM
6  the same, the difference being in terms of how
7  information is pushed from Alice in this case to
8  whomever is listening or participating.
9          And the main difference is that with party
10  mode, there will be a copy of the playlist she sent    11:14AM
11  over stored in the lounge server as a copy.  And
12  that's not what is used by the Leanback screens to
13  play back whatever they want to play back.
14      Q   My question was a little bit different.  I
15  didn't mean to cut you off.                      11:15AM
16          I was asking about this specific scenario.
17  When Alice invites Bob to a party, you understand
18  that Dr. Bhattacharjee has pointed to a
19  INIT_PARTY_MODE message that is sent to the lounge
20  server and stores a party queue?              11:15AM
21      A   I forget exactly what he called that
22  message, but if you can point me to his report or my
23  part of the report that discusses that, I'll be happy
24  to provide more details about that.
25      Q   Let's do that.                       11:15AM

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1          While I'm marking this, sitting here right   11:16AM
2  now, do you have any understanding of whether when
3  Alice invites Bob to a party, her YouTube Remote
4  application sends a copy of the party queue to the
5  lounge server which is then stored in the lounge      11:16AM
6  server?
7      A   That's not my understanding of how things
8  work, no.
9          MR. HEFAZI:  Okay.  Let me then introduce
10  Exhibit 7.                              11:16AM
11          (Whereupon, Exhibit 7 was marked for
12  identification.)
13  BY MR. HEFAZI:
14      Q   Do you see Exhibit 7?
15      A   I did.  Let me just save that real quick,    11:17AM
16  please.
17          Okay.  I'm there.
18      Q   Exhibit 7 is the opening report of Samrat
19  Bhattacharjee; correct?
20      A   That's correct.                   11:17AM
21      Q   And let's actually go to Paragraph 172.
22      A   Okay.  I'm there.
23      Q   Let's start at 171.
24          Do you see how Dr. Bhattacharjee says,
25  "The party mode feature allowed users of the YouTube   11:18AM

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1  Remote application to share a playback queue with      11:18AM
2  one or more friends"?
3      A   I see that he says that, yes.
4      Q   Do you agree with that statement?
5      A   Well, there is a whole bunch of            11:18AM
6  discussions -- I think this is in my reply report,
7  although it might be in my rebuttal report where I --
8      Q   I'm asking a very simple question.
9          Do you agree with the statement in the
10  first sentence of Paragraph 171?              11:18AM
11      A   I don't think I do.
12      Q   Okay.
13      A   And there's reasons for that.  That's what I
14  was trying to find.  And I think there's discussions
15  of this in -- I believe certainly in my reply report.  11:18AM
16  There may also be discussions of this in my rebuttal
17  report.
18      Q   Okay.  And so your opinion is that the
19  YouTube Remote applications party mode did not allow
20  users to share a playback queue with one or more of    11:19AM
21  their friends; is that right?
22      A   I think my issue here is with Dr. B's use of
23  the term "playback queue" in this context.
24          I think what's really going on there, I
25  think as I describe in my reports, that there is a     11:19AM

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1  playlist, the user has a playlist, which is not the    11:19AM
2  same thing as a playback queue for a whole variety
3  of reasons discussed in a whole variety of places.
4          But I think in particular, there is a
5  discussion about this starting on Paragraph 101 in     11:19AM
6  my rebuttal report.
7      Q   So I think what I'm asking about -- I'm
8  asking right now just about Exhibit 7.
9          And so I guess what I'm hearing is you
10  would agree that the party mode feature allowed       11:20AM
11  users of the YouTube application to share a playlist
12  with one or more of their friends; right?
13      A   I believe that is the terminology that I
14  used in my reports and specifically in my section of
15  my rebuttal report that we were just talking about a   11:20AM
16  minute ago.
17          And I think the justification for that, if
18  I may, has to be -- is to do with the court's order
19  as described, for example, in Paragraph 102 of my
20  rebuttal report that a playlist is not equivalent to   11:20AM
21  a playback queue.
22      Q   Okay.  And so we'll discuss that in a
23  second.
24          But the source code for the YouTube Remote
25  application refers to the shared playlist as a party   11:20AM

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23 (Pages 86 - 89)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1  queue; correct?                              11:20AM
2     A    That's my understanding.  Of course, the
3  source code is not thinking about constructions, it
4  could have called it "foo" and for whatever purpose,
5  it's -- just because we call it a queue doesn't mean   11:21AM
6  it's a playback queue in the context of the '033
7  patent and the court's construction.
8     Q    Okay.  Now, the second paragraph says, "A
9  host user (Alice) could create a playback queue
10 containing YouTube videos."                    11:21AM
11         Do you disagree with that?
12    A    When you say the second paragraph, where are
13 we?
14    Q    Sorry, Paragraph 171 of Exhibit 7, the
15 second sentence says, "A host user (Alice) could     11:21AM
16 create a playback queue containing YouTube videos."
17    A    I see that, yes.
18    Q    Do you agree with that statement?
19    A    Again, modulo to the discussion about
20 whether that's the proper use of playback queue as the 11:21AM
21 court has constructed it, it's my understanding that
22 Alice could use a YouTube Remote application to create
23 a playlist of YouTube videos.
24         It's kind of hard to know what that means
25 because there's different know ways to interpret     11:22AM

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1  that.  But she could identify things that would be     11:22AM
2  played back.
3     Q    So we saw earlier today that there was a
4  plus icon next to videos that you said can be used
5  to add them to a queue.  Do you recall that?     11:22AM
6     A    I do.
7     Q    And so are you saying now that Alice
8  cannot create a playback queue containing YouTube
9  videos using the YouTube Remote application?
10    A    I think what Alice is doing in this case is   11:22AM
11 she's creating a list of videos that she would like to
12 be able to send.
13         The specific use case here is describing
14 creating a list of videos or identifiers to videos
15 and then, as the third sentence says, the host, who    11:22AM
16 in this case is Alice, can use the YouTube Remote
17 application to invite one or more guests, which in
18 this case could be Bob, I suppose, to share that
19 particular playlist.
20         And as I understand it, that's where       11:23AM
21 things get sent with the playlist command that we
22 were talking about or the playlist message that we
23 were talking about earlier.
24    Q    So now if Alice used the plus icons to
25 add, you know, let's say videos 1, 2 and 3 to the     11:23AM

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1  queue tab on her YouTube Remote, it's your opinion     11:23AM
2  that that is not a queue, that's a playlist;
3  correct?
4     A    Well, so it's my understanding that the
5  actual messages that are being sent from Alice in this 11:23AM
6  case to the lounge server, they are -- in fact, if you
7  take a look at Paragraph 207 in my rebuttal report,
8  these are -- it says -- I think this is my phrasing of
9  what Dr. B is trying to say, to initiate the YouTube
10 Remote system's remote control party mode, a host     11:24AM
11 remote control, Alice, sends a copy of its or her
12 entire local playback queue, which is its
13 locally-stored list of media selected for playback, in
14 a so-called set party playlist message to the lounge
15 server.                                        11:24AM
16         So I think that's a more accurate
17 description of what's happening, not using the
18 confusing terminology that Dr. B keeps throwing in
19 to give the impression perhaps that there is a
20 playback queue being used here.                11:24AM
21         I think even the source code is pretty
22 clear that what's being sent is not a playback
23 queue, it's a party playlist.
24    Q    Okay.  So let's put aside the word
25 "playback."  So you would agree that a host user,     11:25AM

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1  Alice, could create a playlist containing YouTube     11:25AM
2  videos; right?
3     A    I think that's pretty much what I just said
4  in terms of quoting from my Paragraph 207 in my
5  rebuttal report.                              11:25AM
6     Q    And then Alice can then use her remote
7  YouTube application to invite one or more guests to
8  share her party playlist; correct?
9     A    That's correct.  That's my understanding.
10    Q    And the party playlist was editable by all   11:25AM
11 members of the party?
12    A    I believe that's correct.  I think the
13 playlist that we're talking about here, as it says in
14 my Paragraph 208, the lounge server, once it gets the
15 playlist and it goes into party mode, it goes ahead    11:25AM
16 and -- this is Paragraph 207, sorry, it changes the
17 value for the playlist containing its local playback
18 queue from queue to party queue.
19         But other than that, it's got this name,
20 there's -- and it stores it -- as it says in          11:26AM
21 Paragraph 208, it saves a copy of the set party
22 playlist that Alice sent to the lounge server.
23         And then I go on, and I won't read it
24 right now because you haven't asked me about this,
25 but then the lounge server will then forward or send   11:26AM

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24 (Pages 90 - 93)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1   that set party playlist message with a playlist from   11:26AM
2   the set party playlist message to any and all of the
3   connected Leanback screens of the host and the
4   guests in the session.
5      Q   You said -- I believe you said that the      11:26AM
6   lounge server will store the playlist, it stores it
7   in what's called a party queue; correct?
8      A   It's my understanding, as described in
9   Paragraphs 207 and 208 of my rebuttal report, that the
10  lounge server saves a copy of the set party playlist   11:27AM
11  message and it changes the name it uses internally
12  from queue to party queue, reflecting it's now gone
13  into party mode.
14          And it then will subsequently use this
15  saved copy of the playlist it received from Alice in   11:27AM
16  our example obtained from the set party playlist
17  message to relay to any new Leanback screens or
18  remote controls from guests, for example, that join
19  the existing party session a copy of the playlist as
20  described at the bottom of Paragraph 208.            11:27AM
21     Q   Okay.  And going back to Exhibit 7, which
22  is Bobby's opening report, in Paragraph 171, I think
23  you disagreed that the party playlist was editable
24  by all members of the party.
25          Would you also agree that the party      11:28AM

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1   playlist could be played back on the mobile device   11:28AM
2   of the host user and guest users as well as the host
3   user screens?
4      A   This is the real subtle issue that's
5   important to see as a distention.               11:28AM
6          So what's happening when we're in party
7   mode and when we're not in party mode with respect
8   to the behavior of the Leanback screens is the same.
9          And that's described in Paragraph 209 of
10  my report where that lounge server sends the copy of   11:28AM
11  the original playlist sent by Alice to it and it's
12  the same protocol message, it's a set playlist
13  message that emanates from the lounge server, goes
14  to the Leanback screens, the same message in both
15  cases.                              11:29AM
16          And what's going to happen then is the
17  playback that takes place -- and I think I talk
18  about this several places in my -- I think I cite
19  Mr. Levai's deposition testimony in Paragraph 210.
20          I think the main point is that what gets      11:29AM
21  played back by the Leanback screens is their local
22  copy of the contents.
23          If we consider that to be a playback
24  queue, if there's going to be a playback queue
25  anywhere within the YouTube Remote system, it's      11:29AM

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1   going to be the playback queue in both modes, party   11:29AM
2   mode and non-party mode, it's going to be the local
3   playback mode that's stored on the Leanback screens
4   as I say in Paragraph 216 in my report.
5      Q   Okay.  I see the images on the screens.      11:30AM
6          Now, what about the phones of the members
7   of the party, Alice and Bob, would they also get a
8   copy of the playlist?
9      A   That's my understanding.
10     Q   And that copy will be updated when one of   11:30AM
11  them makes an edit to the playlist?
12     A   As I say in Paragraph 213 of my rebuttal
13  report, and I think this is still again pretty similar
14  between party and non-party mode, "the connected
15  remote controls in a party mode session have the      11:30AM
16  ability to modify or edit the playlist with updates."
17          And then the remainder of Paragraph 213
18  talks about how this occurs, the remote control, be
19  it a guest or be it a host, will send update
20  messages to the lounge server, which in turn, as      11:31AM
21  we've talked about before, will send the updates for
22  the playlist to the remote controls in the overall
23  party session using a message called party playlist
24  modified.
25          And again, as opposed to the case with   11:31AM

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1   non-party mode, the Leanback screens will -- who are   11:31AM
2   part of the session will be updated using an update
3   playlist message.
4      Q   Okay.  So then in your view, when in
5   standalone mode, the guests are playing back on      11:31AM
6   their YouTube Remote application a local copy of the
7   party playlist and when in remote control mode, the
8   playback devices are playing back a local copy of
9   the party playlist; is that right?
10     A   Let's unpack that.                  11:32AM
11     Q   Yeah, let's take it in turn.
12          I think you just mentioned that when edits
13  are made, a copy of the party playlist is provided
14  to the guests and stored as a local queue; correct?
15     A   So are we in party mode or non-party mode?  11:32AM
16     Q   Party mode.
17     A   So we're in party mode.
18          So it's my understanding, as I say in
19  Paragraph 213, that in party mode, the connected
20  remote has the ability to -- the connected remote   11:32AM
21  controls, which could be either the guests or the
22  host, as I understand it, have the ability to modify
23  or edit the playlist with updates.
24     Q   Okay.  And then you said that those
25  updates will eventually be passed by the server to,   11:32AM

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25 (Pages 94 - 97)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1  you know, all of the remotes of mobile devices in    11:33AM
2  the party; correct?
3      A    If I understand your question, I think in
4  Paragraph 213 I talk about how the remote control will
5  send the updates.  Let's say that the host does it for 11:33AM
6  lack of a -- for sake of completeness, but I think it
7  could be a guest as well, they will send an update
8  message to the lounge server and the lounge server in
9  turn will then send the update message, it will
10  forward essentially the update messages for the        11:33AM
11  playlist to the remote controls in the session using a
12  party playlist modify message.
13      Q    Then the remote controls can playback that
14  party playlist that was received in standalone mode;
15  correct?                                         11:33AM
16      A    So that's what I'm trying to understand the
17  scenario.
18          Were we initially in -- playing things
19  back to the Leanback sessions in this scenario or
20  were we not in the Leanback model but instead we're    11:34AM
21  a party in standalone mode?
22      Q    How is it different?  Let's take it that
23  you were in a party in standalone mode.
24      A    Okay.  So my understanding is that, as we
25  just described from Paragraph 213, that the        11:34AM

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1  information will be propagated to the guest devices    11:34AM
2  and if they are in standalone mode, then conceivably
3  they will be playing back -- will be playing back in
4  the local device, although I think as I talked about
5  before, that's a more atypical way to use the YouTube  11:35AM
6  Remote.
7      Q    At some point, a host or guest can choose
8  to send playback to a host user's screens; correct?
9      A    I'm not sure I follow.  What do you mean?
10      Q    You talked about a set party playlist;        11:35AM
11  correct?
12      A    That's correct, yes.
13      Q    And that is sent when a user chooses to
14  transfer playback from the phone to the screen;
15  correct?                                         11:35AM
16      A    Let's see.  So this I think is something
17  that's described both in Dr. B's report that we were
18  looking at before and also in my report.
19          Focusing on my report because I think my
20  terminology is more precise, to initiate the remote    11:36AM
21  control party mode, the host remote control will
22  send a copy of its entire local playlist to the
23  lounge server.
24          And then that will go ahead and do the
25  things we talked about before to set the -- change    11:36AM

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1  the value of I believe it's queue to party queue at    11:36AM
2  that point.
3      Q    Okay.  Let's go back to Exhibit 7, Bobby's
4  report, at Paragraph 172.
5          Are you there?                           11:36AM
6      A    I'm there.
7      Q    Do you see that Dr. Bhattacharjee states
8  in the second sentence, "In party mode, the 'host'
9  user sends a queue of videos to a cloud server (for
10  example, a lounge server) along with a list of        11:37AM
11  guests."
12          I understand that you disagree with the
13  term "queue."  But putting that aside, let's say
14  it's a playlist of videos to the cloud server, I
15  think you agree with this statement; correct?        11:37AM
16      A    Let's see.  The host user sends a -- let's
17  say we say it's a playlist of videos to the MDx server
18  or so-called lounge server.  I agree with him with
19  that, that's how it works.
20          Along with a list of guests that -- I        11:37AM
21  believe that's the way it works.  I would have to
22  take a closer look, but that sounds along the right
23  liens.
24      Q    Okay.  Now, Dr. Bhattacharjee discusses an
25  invite to party function.                        11:38AM

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1          Do you see that in Paragraph 172 of        11:38AM
2  Exhibit 7?
3      A    I see that.
4      Q    And the rebuttal report, your rebuttal
5  report does not discuss the invite to party        11:38AM
6  function, does it?
7      A    Let's see.
8      Q    It's an electronic problem, saving you a
9  quick intro lap to confirm.
10      A    I don't see it referenced directly in my    11:38AM
11  rebuttal report.
12      Q    Okay.  And so Dr. Bhattacharjee said that
13  the invite to party function retrieves the current
14  media queue for the host and calls the Party
15  ModeManager.initPartyMode.                       11:38AM
16          Do you see that?
17      A    I do.
18      Q    And again, you don't discuss this in your
19  report either, do you?
20      A    There is a reference to the party mode     11:39AM
21  manager in Paragraph 207.  There is a couple of
22  references actually to the party mode manager in
23  Paragraph 7.
24      Q    207 you're referring to?
25      A    207, I'm sorry, I apologize.             11:39AM

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26 (Pages 98 - 101)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1   Q   207 of your rebuttal report?          11:39AM
2   A   That's correct, yes.  It's talking about the
3   party mode manager, real party mode manager, that's
4   correct, which is also referenced in Dr. B's report
5   about midway through Paragraph 172.          11:39AM
6   Q   Okay.  Just quickly, you know, we were
7   discussing the party mode manager initPartyMode
8   function that's in the final
9   ContactListActivity.java in Paragraph 172; right?
10   A   So are you referring to the first sentence   11:40AM
11   or the first part of the --
12   Q   The sentence we were just talking about
13   talked about the invite to party mode function;
14   right?  That's in ContactListActivity.java; right?
15   A   I see that reference on Page 65 of Dr. B's   11:40AM
16   report, yes.
17   Q   It says that "retrieves the media queue
18   and calls the partyModeManager.initPartyMode."
19        Is it your understanding that the
20   reference to the partyModeManager.initPartyMode   11:40AM
21   function the same thing as the RealPartyModeManager
22   that you've cited here in Paragraph 207 of your
23   report?
24   A   Well, if you take a look about three
25   sentences down in Dr. B's report, you'll see that   11:41AM
                                                Page 102

there's a reference to "RealPartyModeManager."   11:41AM
2        Do you see that?
3   Q   Mm-hmm.
4   A   You'll see that that refers to
5   "initPartyMode" function.  The sentence starts out.   11:41AM
6   "The initPartyMode function (see
7   RealPartyModeManager.java, Lines 189 to 212)."
8        Above you see where it talked about
9   calling partyModeManager.initPartyMode.
10        I believe, if I understand Java, which I   11:41AM
11   have a very good understanding of, typically the way
12   things work in Java code is you'll have something
13   called an interface or a superclass that is going to
14   define the overall signature that's involved,
15   signatures that are involved for methods.   11:42AM
16        So there's probably a party mode manager
17   interface or superclass and it has a method called
18   initPartyMode.
19        In Java typically what happens is there is
20   a factory that would create an actual instance of   11:42AM
21   that interface or an implementation of that
22   superclass that would be more specialized and
23   provide the actual implementation.
24        So my suspicion, which could be confirmed
25   by reviewing the code, is that RealPartyModeManager   11:42AM
                                                Page 103

1   is either an implementation of the party mode   11:42AM
2   manager interface or an extension or subclass of the
3   party mode manager class, if it's a class rather
4   than an interface.
5        So calling the InitPartyMode method   11:42AM
6   referenced in the context of the contact list
7   activity in reality is calling the InitPartyMode
8   function of the RealPartyModeManager through the
9   magic of dynamic dispatch.
10   Q   Okay.  That's fair.          11:43AM
11        You see that Dr. Bhattacharjee says that
12   The retrieved media queue can be any one of various
13   stations including a user created queue or a list of
14   recommended videos.
15        Do you see that?          11:43AM
16   A   "The retrieved media queue can be any one of
17   the stations I discussed above," user created queue --
18   I see that, yes.
19   Q   And putting aside the word "queue," let's
20   replace the word "queue" with "playlist" here.   11:43AM
21        Do you agree that the invite to party mode
22   function can retrieve a user created playlist or a
23   list of recommended videos?
24   A   So it's my understanding, as I describe here
25   on Paragraph 207 in my report, that what's happening   11:44AM
                                                Page 104

1   is that the user, the host, in the case of Alice in   11:44AM
2   the case of Dr. B's scenario, is sending over that
3   list, that playlist.
4        As it sees here, the user -- it says, "In
5   party mode," this is Dr. B's report, Paragraph 172,   11:44AM
6   "the host user sends a queue of videos to a cloud
7   server along with a list of guests."  And then he
8   gives an example of that.
9        So the invite to party function is used to
10   retrieve the current media queue, which I think we   11:44AM
11   would agree -- or I would agree is a playlist.
12        And then it calls into the party mode
13   manager init party mode function.
14        So I think that's what it's describing,
15   it's taking the list that the user has provided, as   11:45AM
16   I talk about in Paragraph 207 of my report, and it's
17   going to send that copy over to the -- over to the
18   lounge server.
19        The reason why this is relevant is that if
20   you take a look at the beginning of Paragraph 172,   11:45AM
21   it's clearly talking about something that's
22   occurring on the client.  This is Alice, for
23   example, running the YouTube Remote application on
24   their mobile phone.  So this is from the user's
25   point of view.          11:45AM
                                                Page 105

27 (Pages 102 - 105)

1  with the term "multimedia item" in both the '033 and    1:35PM
2  '615 patents and then I provide some references in
3  the specification about why that's the case.
4      Q    In the context of the accused YouTube
5  applications, what is a video ID?                        1:35PM
6      A    So I describe that several places.
7      Q    I don't need a paragraph.  If you know
8  what a video ID, you can just tell me.
9      A    Let's see.  I see where I -- it's an
10 identifier, it's a way that the accused             1:36PM
11 instrumentalities identify a song or a video.
12     Q    Okay.  And that identifier, is it just
13 like a series of letters and numbers?
14     A    It's really up to -- that's really sort of
15 an implementation detail in the YouTube cloud and app   1:36PM
16 infrastructure.
17        So it could be represented various ways.
18 It could be numbers, it could be alphanumeric
19 characters.  It's just some way of being able to
20 identify the content that's at issue.              1:37PM
21     Q    In the accused YouTube applications, do
22 you know how it's implemented?  Is it just like a
23 series of characters?
24     A    I'm trying to see if I can find a
25 description of what it is.  I think it's a set of       1:37PM

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1  something else, a Bandaid server I believe, and the     1:39PM
2  content is what is played back ultimately.
3      Q    Okay.
4      A    That's described -- just for completeness,
5  that's described on Paragraph 164 of my opening         1:39PM
6  report, and I'm just it's described elsewhere, where a
7  receiver uses one or more URLs it gets back from the
8  player service to retrieve the media item from one or
9  more so-called Bandaid servers in the YouTube cloud
10 infrastructure.                                    1:39PM
11     Q    Okay.  Now, you have an image here in
12 Paragraph 166 of your opening report.  Is that an
13 accurate description of the process?
14     A    I believe it's an accurate description of a
15 portion of the process.                            1:40PM
16     Q    What about the process for using a video
17 ID to get the URL and then using that obtained URL
18 to retrieve the media content for playback?
19     A    So the picture that's shown on bottom of
20 Paragraph -- or Page 54, Paragraph 166, is showing a    1:40PM
21 portion of the scenario where the receiver makes a
22 request to the player service -- and I don't show this
23 in the diagram, but I think I describe it in the text
24 a little bit up ahead of that where it makes a get
25 player request to the player service and it gets       1:41PM

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1  characters, that's a reasonable description.           1:37PM
2      Q    Okay.  Does the video ID contain
3  multimedia content?
4      A    Not typically.  It's a way to identify
5  multimedia content.                                1:37PM
6      Q    Can a playback device play back a
7  retrieved video ID?
8      A    Well, as I describe in several parts of my
9  report, the video IDs are -- a video ID is passed from
10 the receiver to the player service.                1:38PM
11        There is a section in my opening report, I
12 describe it several places, but one place is
13 Paragraph 165 where I talk about how a receiver is
14 given a video ID which comes across in the play --
15 the set playlist message.  And it uses this to          1:38PM
16 retrieve the corresponding media item of whatever
17 YouTube service is being invoked.
18        In particular, in the context of the
19 various apps, the receiver makes a get player call
20 containing the video ID and it sends it up to the       1:38PM
21 player service in the YouTube cloud infrastructure.
22        What it gets back from the player service
23 is a response message that contains one or more URLs
24 that it can then use to obtain the actual contents.
25        And I think that content is obtained from    1:39PM

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1  back --                                            1:41PM
2      Q    Let me help shortcut this.  I hear you
3  that it's only a portion of the process.
4        You know, is the portion of the process
5  depicted here, the player service and the Bandaid      1:41PM
6  server part, accurate in your opinion?
7      A    I'm not sure what "accurate" means in this
8  case.  It's a depiction of something.  And the text
9  around it gives more detail and other paragraphs like
10 Paragraph 163 I was reading from talk about the         1:41PM
11 specific call that's made with the video ID to the
12 player service, as I understand it.
13        So, again, this is an abstraction of some
14 things.  I think my reply report may go into a bit
15 more detail in terms of the various elements of what    1:42PM
16 I call the Watch Next queue and how that's
17 decomposed into different services and so on.
18        But as I understand it, this is an
19 accurate depiction of a portion of the process.
20     Q    Okay.  Now, let's turn to your rebuttal    1:42PM
21 report.  And I believe your rebuttal report is
22 Exhibit 3.
23     A    Okay.
24     Q    And so let's turn to Paragraph 107 of your
25 rebuttal report.                                   1:42PM

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38 (Pages 146 - 149)

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| | |
|---|---|
| 1    It's simply saying that the cloud queue is    2:21PM<br>2  the element that will store the list, it will --<br>3  it's not -- the cloud queue is what is providing the<br>4  information, the items that the app is using and<br>5  it's not just a copy of the list.  It's not a mere    2:22PM<br>6  copy or a copy of a subset of a list that is being<br>7  processed for playback.<br>8        That's not what makes something a playback<br>9  queue.  That's the whole -- the whole thing that got<br>10  this was the focus of the dispute, as I understand    2:22PM<br>11  it.<br>12  BY MR. HEFAZI:<br>13    Q    So what were the requirements of a queue<br>14  that runs the show that you applied -- what did you<br>15  look for to make sure that a queue is the one that    2:22PM<br>16  runs the show?<br>17    A    Well, that topic comes up in a number of<br>18  places in other reports such as my reply report where<br>19  on --<br>20    Q    What did you understand the court to set    2:22PM<br>21  forth as a requirement for determining that a queue<br>22  is the one that runs the show?<br>23    A    Well, I think that the key distinction I'm<br>24  drawing here that I think is most important, and this<br>25  shows up all over the place in all of my reports, is    2:23PM<br><div align="right">Page 178</div> | 1  behavior of the app, especially the Leanback screens,    2:24PM<br>2  is the same whether we're in party mode or not.  And<br>3  so --<br>4    Q    Sir, my question is:  The party playlist<br>5  has a number of items in it; correct?    2:24PM<br>6        MR. LEE:  Objection.  Go ahead.<br>7        THE WITNESS:  I'm sorry, can you please<br>8  reask the question?<br>9  BY MR. HEFAZI:<br>10    Q    The party playlist has a list of media    2:24PM<br>11  items; correct?<br>12    A    It has a playlist, that's correct.  It's<br>13  sent to it from the -- from the sender.<br>14    Q    And is that list of media items -- when a<br>15  user plays back on the playback queue, is that the    2:25PM<br>16  list of media items that's going to be played back?<br>17    A    No.<br>18    Q    Okay.  So let's say I have three videos,<br>19  video 1, video 2 and video 3.  Okay?  Are you with<br>20  me?    2:25PM<br>21    A    I am.<br>22    Q    Okay.  And let's say those three videos<br>23  are in my playlist; correct?<br>24    A    Okay.<br>25    Q    Okay.  Now, when the party playlist is    2:25PM<br><div align="right">Page 180</div> |
| 1  that it's the remote playback queue that needs to be    2:23PM<br>2  involved in what it does, rather than being local<br>3  queues.<br>4        I think when we talked earlier about<br>5  YouTube Remote, I made it clear that I didn't agree    2:23PM<br>6  with Dr. B's characterization that the lists that<br>7  were being sent back and forth, the playlists that<br>8  were being sent back and forth from the remote --<br>9  YouTube Remote application were playback queues.<br>10  And I was explaining why.    2:23PM<br>11        I was saying that was in reference to the<br>12  court's construction and they are just lists of<br>13  things but it's not a remote playback queue.<br>14        So that's kind of what motivated the whole<br>15  discussion in my rebuttal report and my reply report    2:23PM<br>16  was what I perceived to be Dr. B's<br>17  mischaracterization of what the court put forward as<br>18  what a playback queue was.<br>19    Q    Does the party playlist stored in the<br>20  cloud contain the entire list of media items    2:24PM<br>21  selected for playback?<br>22    A    So the issue there is that the way in which<br>23  the information is used is just a copy of something<br>24  and that -- as I talked about earlier when we were<br>25  talking about my rebuttal report before lunch, the    2:24PM<br><div align="right">Page 179</div> | 1  sent to the playback device, is it going to play    2:25PM<br>2  back videos 1, video 2 and video 3?<br>3        MR. LEE:  Objection to form.<br>4        THE WITNESS:  There is a whole bunch of<br>5  issues there that would in general be unknown.  But    2:26PM<br>6  the key point is it's not playing back what's in<br>7  that queue.<br>8        What is being played back are the list of<br>9  items that are in the Leanback screens.<br>10  BY MR. HEFAZI:    2:26PM<br>11    Q    So the list -- the actual list of the<br>12  media items, the content, the list of videos, a/k/a,<br>13  video 1, video 2, video 3, that's not the queue;<br>14  correct?<br>15    A    We have to be careful how we use the term.    2:26PM<br>16        So unfortunately, the source code refers<br>17  to that as -- I think it's called the party queue,<br>18  if I'm not mistaken.<br>19        But the party queue that's being<br>20  referenced is not the -- is not what's being used to    2:26PM<br>21  play back the list of songs by the remote device.<br>22    Q    So is a queue specific data structure or<br>23  storage space on the device?<br>24    A    No.<br>25    Q    What is it that's the queue on the device?    2:27PM<br><div align="right">Page 181</div> |

<div align="right">46 (Pages 178 - 181)</div>

1          MR. LEE:  Objection to form.          2:27PM
2          THE WITNESS:  There is a -- in what
3  context?
4  BY MR. HEFAZI:
5      Q    You said that when the cloud -- so let's          2:27PM
6  take a very simple example.  Our party playlist has
7  three videos, video 1, video 2 and video 3.
8          That party playlist is stored in the
9  cloud; correct?
10     A    The party playlist is stored in the cloud,          2:27PM
11  yes.  If we're in party mode, yes, that's correct.
12     Q    If we're in party mode, that party
13  playlist is sent to the playback device and played
14  back where video 1, video 2 and video 3 will play;
15  correct?          2:28PM
16     A    It depends --
17          MR. LEE:  Objection, form.
18          THE WITNESS:  -- on various factors as to
19  whether that will happen or not.
20          The key point in this is that what          2:28PM
21  dictates the playback in the YouTube Remote context
22  by the Leanback screens is the local playback queue
23  that the -- that the Leanback screens use, as I talk
24  about in Paragraph 216 in my rebuttal report.
25
                                                    Page 182

1  BY MR. HEFAZI:          2:28PM
2      Q    What is the local playback queue?  Is it a
3  data structure?
4      A    It's whatever it is.  I mean, it could be --
5  it's sort of an implementation detail as to how --          2:28PM
6      Q    How is it implemented in the YouTube
7  Remote prior art?
8          MR. LEE:  Objection to form.
9          THE WITNESS:  There is a -- I don't
10  remember off the top of my head the specific name of          2:28PM
11  it, but it's represented as being a queue.  It may
12  be called queue and it's used to dictate how things
13  are played back on that local playback screen,
14  Leanback screen.
15  BY MR. HEFAZI:          2:29PM
16     Q    So what makes the queue -- sorry.  What
17  makes the party playlist that's stored on the server
18  different than the party playlist that's stored on
19  the playback device?
20     A    First of all, it may not, at any given point  2:29PM
21  in time, actually reflect the same contents.
22          But more importantly, it is something that
23  is a copy of what's provided by the user originally,
24  the user selected it -- usually the host has
25  selected what is going to go into the playlist          2:29PM
                                                    Page 183

1  that's sent with the set playlist message.          2:29PM
2          And as I mention in my report, a copy --
3  the lounge server, the MDx server, simply stores a
4  copy of that for coordination purposes and then
5  forwards those lists down to the Leanback screens.          2:30PM
6  And the Leanback screens then use their local
7  playback queue in order to be able to play back the
8  content that's designated there.
9      Q    Okay.  So the party playlist, it includes
10  the video 1, 2 and 3 that were selected for          2:30PM
11  playback; correct?
12     A    In your hypothetical, sure.
13     Q    And that video 1, 2, 3 in a party playlist
14  are then stored on the lounge server as a party
15  queue you said, but I understand you believe it's          2:30PM
16  more a party playlist; right?
17     A    I refer to it -- I say to the extent that
18  there is a playback queue at all, as I say in
19  Paragraph 216 of my rebuttal report, it's the local
20  playback queue.  It's not a remote playback queue,          2:31PM
21  it's a local playback queue.
22     Q    I understand, and I'm trying to understand
23  those things.  Let me put aside whether it's called
24  a party queue or a party list.
25          A user creates a party playlist and it has    2:31PM
                                                    Page 184

1  three videos that have been selected for playback,          2:31PM
2  video 1, video 2, video 3.
3          In party mode, that party playlist is
4  provided to the lounge server and stored as a party
5  playlist on the lounge server that contains video 1,          2:31PM
6  video 2 and video 3.
7          Do you agree with me on that?
8      A    In that hypothetical, under some assumptions
9  I can imagine a world where that would happen, yes.
10     Q    Now, that party playlist is then provided          2:31PM
11  back to the playback device where it is stored with
12  video 1, video 2 and video 3; correct?
13     A    Again, keeping in mind that that's exactly
14  the same behavior that the protocol messages and so on
15  about the lounge server providing the playlist to the   2:32PM
16  Leanback screens are happening in party mode and
17  non-party mode.
18          The fact that there's party mode going on
19  is really orthogonal or independent to the behavior
20  of the Leanback screens.          2:32PM
21     Q    So is that -- let me ask my question
22  again.
23          The party playlist is then provided back
24  to the playback device where it is stored with
25  video 1, video 2 and video 3; correct?          2:32PM
                                                    Page 185

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1    A    Whether it was a party queue or a queue, the  2:32PM
2    lounge server is going to send that content, the
3    content of that list, down to the Leanback screens in
4    both cases.  Either case, it behaves the same way.
5         So that's why I keep saying I'm not sure    2:32PM
6    what party mode has to do with this.  The behavior
7    is the same.  You're getting a copy of something
8    that was sent from the remote control application
9    running on the sender device.
10    Q    Okay.  And what makes the copy of the    2:33PM
11    party playlist on the playback device a queue, a
12    playback queue, and the copy of the party playlist
13    on the lounge server not a playback queue?
14         MR. LEE:  Objection, form.
15         THE WITNESS:  Well, several things, first    2:33PM
16    of all, it's not even clear that it is a playback
17    queue.  But assuming it is a playback queue, as I
18    say in Paragraph 216, the difference is that the
19    Leanback screen is not using the contents of the
20    copy of the user's playlist that's stored on the    2:33PM
21    lounge server.  It's not using that in order to be
22    able to drive what it's doing.
23         It's being driven by the contents that it
24    has in its local copy, not what is up there in the
25    lounge server.    2:34PM

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1    BY MR. HEFAZI:    2:34PM
2    Q    Let's take this in pieces.
3         So you agree with me that the copy of the
4    party playlist on the playback device and the copy
5    of the party playlist on the lounge server both    2:34PM
6    contain video 1, video 2 and video 3; correct?
7    A    As I think I've mentioned several times now,
8    that's your hypothetical.  There are situations where
9    at any given point in time, that isn't necessarily the
10    case.    2:34PM
11    Q    But in some cases, right, if a user
12    creates a party playlist with three videos, video 1,
13    video 2 and video 3, the lounge server and the
14    playback device will both store the video 1,
15    video 2, video 3; correct?    2:35PM
16    A    In both cases, the lounge server will
17    forward these lists to the Leanback screens and
18    will -- the Leanback screens will then use what's in
19    their list to do what they do with the content or
20    video IDs that are provided in that list.    2:35PM
21         The only real difference between party
22    mode and non-party mode is that in party mode, there
23    is a copy of that playlist that sits around in the
24    memory of the lounge server to coordinate things so
25    that when other guests join or other screens are    2:35PM

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1    added, the --    2:35PM
2    Q    Sir, I'm not asking the differences
3    between party mode and non-party mode right now.
4    I'm asking you a very simple question.
5         Does the party playlist on the lounge    2:35PM
6    server include the same lists of media items that
7    are stored in the party playlist on the playback
8    device?
9    A    No, not --
10         MR. LEE:  Objection, form.    2:36PM
11    BY MR. HEFAZI:
12    Q    Sorry, go ahead.
13    A    No, not necessarily.
14    Q    So tell me when they would store the same
15    items.    2:36PM
16    A    In the case where users are editing the
17    list, for example.
18    Q    Okay.  If a user edits a list, that edit
19    first gets made to the party playlist on the lounge
20    server.  Do you agree?    2:36PM
21         MR. LEE:  Objection to form.
22         THE WITNESS:  I'm not sure what you mean
23    by "first."
24    BY MR. HEFAZI:
25    Q    So when a user edits the party playlist,    2:36PM

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1    those edits are provided to the lounge server and    2:36PM
2    the party playlist on the lounge server is updated;
3    correct?
4    A    Right.  I think there is a discussion in
5    Paragraph 208 of my report about how if a host, for    2:37PM
6    example, modifies the playlist, then there would be a
7    playlist modified message sent or something like that.
8    Q    And it's your testimony that the playlist
9    modified message also exists in non-party mode?
10         MR. LEE:  Objection, form.    2:37PM
11         THE WITNESS:  Let's see.
12         I would have to go back and look more
13    carefully at my analysis of how things are done in
14    the non-party mode.  So I would have to look and see
15    how that works.    2:38PM
16    BY MR. HEFAZI:
17    Q    Well, let's stick with what we're doing
18    right now.  So we've now established that when the
19    user edits the party playlist, an edit is made to
20    the copy on the lounge server.    2:38PM
21         And do you agree now that it's only after
22    that edit is made that the party playlist gets an
23    updated -- sorry, that the playback device gets an
24    updated copy of the party playlist?
25         MR. LEE:  Objection to form.    2:38PM

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 1        THE WITNESS:  Many things could happen at    2:38PM
 2   that point.
 3   BY MR. HEFAZI:
 4       Q   In some instances does the edit that
 5   updates the party playlist on the lounge server      2:38PM
 6   result in the playback device then being sent an
 7   updated copy of the party playlist?
 8        MR. LEE:  Objection to form.
 9        THE WITNESS:  I believe it's possible for
10   that to happen, yes.                   2:39PM
11   BY MR. HEFAZI:
12       Q   At that time the playlist -- the party
13   playlist on the lounge server and the party playlist
14   on the playback device contain the entire list of
15   media items selected for playback; right?      2:39PM
16        MR. LEE:  Object to form.
17        THE WITNESS:  There is a whole bunch of
18   issues here.  I think this is really the heart of
19   why the lounge server and its list is not driving
20   the show because there's several different entities    2:39PM
21   involved here.  There's guests and hosts who are
22   doing things asynchronously with respect to
23   themselves.  There's things that are taking place at
24   the lounge server that are happening asynchronously
25   with respect to the users and guest or the host and    2:39PM
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 1   the guests.                        2:40PM
 2        There's also things taking place
 3   asynchronously with respect to the behavior of the
 4   Leanback screens.
 5        So you keep making it sound like all of    2:40PM
 6   these updates occur instantaneously and somehow the
 7   whole system runs as a large synchronized cohort and
 8   that's not the way it works.
 9   BY MR. HEFAZI:
10       Q   So your understanding is that when a user    2:40PM
11   edits the party playlist that's stored -- sorry.
12   When a user edits the party playlist and that update
13   is provided to the party playlist on the lounge
14   server, that that does not trigger a method that
15   sends the party playlist to all of the devices?      2:40PM
16        MR. LEE:  Object to form.
17   BY MR. HEFAZI:
18       Q   Is that right?
19        MR. LEE:  Object to form.
20        THE WITNESS:  That's not what I'm saying,    2:40PM
21   no.
22   BY MR. HEFAZI:
23       Q   Does it trigger a message that sends the
24   updated party playlist to all of the devices in the
25   party?                        2:41PM
```

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```
 1       A   Under certain scenarios, yes, it would.      2:41PM
 2       Q   So let's talk about those scenarios.
 3        So let's say Alice is in party mode with
 4   Bob.  And Alice and Bob have a party playlist that
 5   has video 1, video 2 and video 3.            2:41PM
 6        Are you following me so far?
 7       A   So who's the host and who's the guest?
 8       Q   Let's say Alice is the host and Bob is the
 9   guest.
10       A   Okay.                     2:41PM
11       Q   So if Bob has a -- makes an edit and adds
12   video 4 to the party playlist, that edit is then
13   going to be sent to the lounge server and replace
14   the prior version of the party playlist; right?
15       A   It's possible.  What's not -- it's possible.  2:42PM
16   There's scenarios under which other things could
17   happen, but that's possible, sure.
18       Q   So if the party playlist previously had
19   three videos, it will now have four videos; right?
20        MR. LEE:  Objection to --            2:42PM
21        THE WITNESS:  More than four videos or
22   less than four videos.  There's all kinds of things
23   that can happen because the users are not
24   synchronized and they can do what they do in
25   whatever order they feel like.            2:42PM
```

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 1        And since the lounge server is not running    2:42PM
 2   the show, whatever happens depends on all kinds of
 3   factors.
 4        So that's why it's so hard to give you an
 5   answer to the questions you're asking because you're    2:42PM
 6   not accounting for all the inherent --
 7   BY MR. HEFAZI:
 8       Q   Okay.  Only Bob has made an edit.  Alice
 9   has not made an edit and the only edit he made is to
10   change the party playlist from three videos to four    2:43PM
11   videos.  Okay?
12        When the party playlist is updated in the
13   cloud, a party playlist will now be updated to have
14   four videos; correct?
15       A   Assuming -- I'll go along with that for now,  2:43PM
16   sure.
17       Q   And if the playback devices in the party
18   had a party playlist with three videos, they will
19   receive a new message with a copy of the party
20   playlist that's updated and now has four videos in      2:43PM
21   the party playlist.  Okay?
22        MR. LEE:  Object to form.
23        THE WITNESS:  It's possible it's not --
24        MR. LEE:  Is there an assumption in here,
25   Nima, that --                     2:43PM
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1    MR. HEFAZI:  Please keep speaking -- the    2:43PM
2    court has a very strict standing order, George.  We
3    don't want to take this to the court, so please --
4        MR. LEE:  I think you need to clarify the
5    example because --    2:43PM
6        MR. HEFAZI:  George, George, George,
7    George, George, George.  I'm telling you right now.
8    We will take this to court.
9        MR. LEE:  Nima, there are only three on a
10   local device, I just want to clarify what --    2:44PM
11       MR. HEFAZI:  George, George, George, we're
12   going to have to take this to the court if you
13   continue these speaking objections.
14   Q    So, Mr. Schmidt -- sorry.
15       Dr. Schmidt, so in that example, prior to    2:44PM
16   the playback devices receiving the update from the
17   lounge server, the lounge server will have four
18   items, four videos, video 1, video 2, video 3 and
19   video 4, whereas the playback device will only have
20   videos 1, 2 and 3; correct?    2:44PM
21   A    Under a certain set of assumptions, that's
22   possible, but there's other scenarios that might be
23   different.
24   Q    When the playback device gets the updated
25   party playlist, it will now have the four videos,    2:44PM

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1    video 1, video 2, video 3 and video 4; right?    2:44PM
2    A    Again, under certain --
3        MR. LEE:  Objection, form.  Nima, again,
4    objection to form.
5    BY MR. HEFAZI:    2:45PM
6    Q    Those were the four videos that were
7    selected by Bob using his YouTube application for
8    playback; correct?
9        MR. LEE:  Same objection to form.
10       THE WITNESS:  Again, under a certain set    2:45PM
11   of assumptions.  It doesn't necessarily have to be
12   that case at all.
13   BY MR. HEFAZI:
14   Q    But in certain cases, that would occur and
15   so the four videos selected by Bob for playback    2:45PM
16   would be provided to a lounge server and stored at
17   the party playlist first and then update the other
18   devices in the party; correct?
19       MR. LEE:  Objection to form.
20       THE WITNESS:  There are certain scenarios    2:45PM
21   under which that would occur.  There are other
22   scenarios under which that would not occur.
23   BY MR. HEFAZI:
24   Q    So if Bob was to make an edit to the -- to
25   the party queue, so he makes an edit and he adds    2:46PM

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1    another video, video 5.  Can that edit be sent to    2:46PM
2    the Leanback screens, the playback devices before
3    they are processed by the lounge server?
4        MR. LEE:  Objection to form.
5        THE WITNESS:  You're referring to a    2:46PM
6    situation where only Bob is making changes; is that
7    right?
8    BY MR. HEFAZI:
9    Q    Correct.
10   A    Being aware that that's not the only    2:46PM
11   scenario in which a YouTube app could be used, but
12   with that as a caveat, because other users could be
13   making changes simultaneously to the playlist, it's my
14   understanding that the communication in YouTube Remote
15   always goes through the lounge server and there's not    2:47PM
16   direct communication from the YouTube Remote app on a
17   remote controller to Leanback screen directly.
18   Q    Okay.  So the lounge server's copy of the
19   party playlist will need to be updated before the
20   screen's copy of the party playlist can be updated?    2:47PM
21   A    Again, assuming a number of conditions,
22   that's my understanding of how it would work, that's
23   correct.
24       MR. HEFAZI:  Okay.  Let's take a short
25   five-minute break.    2:47PM

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1        THE WITNESS:  Okay.    2:47PM
2        THE VIDEOGRAPHER:  We're off the record.
3    It's 2:47 p.m.
4        (Recess taken.)
5        THE VIDEOGRAPHER:  We're back on the    2:56PM
6    record.  It's 2:56 p.m.
7    BY MR. HEFAZI:
8    Q    Now, you've opined that a standard
9    device -- strike that.
10       You've opined that a user device running    2:56PM
11   the accused YouTube applications is configured for
12   playback of a Watch Next queue; rights?
13   A    That's correct.
14   Q    What is a Watch Next queue?
15   A    There is a discussion of that here on    2:56PM
16   Paragraph 128 in my opening report and then the
17   further elaboration with a bit more color details is
18   provided in Paragraph 60 in my reply report.
19       So the Watch Next queue as discussed in
20   Paragraph 128 of my opening report is the list of    2:57PM
21   media items provided by the YouTube cloud
22   infrastructure for playback.  That's what it says
23   there.
24       And then on Paragraph 60 in my reply
25   report, I show a further elaboration of that showing    2:57PM

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1  infringed by the various instrumentalities at issue    3:22PM
2  here.
3      So in this particular case, we're looking
4  I think at the part having to do with Claim
5  Element 1.4 about configuring the computing device    3:22PM
6  to playback a remote playback queue.
7  BY MR. HEFAZI:
8      Q   So let's turn to Page 78 of your opening
9  report.  You cite some code here on Page 78 for the
10 playlist service; right?                3:22PM
11     A   Which paragraph?
12     Q   It's part of Paragraph 248, but Page 78.
13     A   Page 78, that's right at the top of the
14 page, "Playlist Service."
15     Q   Okay.  And do any of the pieces of code    3:23PM
16 that you've cited here manage the storage of the
17 Watch Next queue?
18     A   Yes, in addition to the other things we've
19 talked about.  So I think there's some examples.
20     Looking here at Line 8, "Playlists of all    3:23PM
21 types can be treated as basic playlists.  They
22 represent an ordered list of videos."
23     There is a discussion on Lines 9 and 10
24 about having a way to access and manipulate
25 playlists stored in a BigTable.            3:24PM

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1      There's discussions on Line 13 or 14 about    3:24PM
2  loading playlists, giving their full list IDs and
3  more.  There's --
4      Q   Does the Watch Next queue have to be --
5  strike that.                    3:24PM
6      So you say in Line 10, "a playlist is
7  stored in the BigTable"; right?
8      A   I see that there is a -- describing what the
9  playlist service header file is saying that the --
10 this file contains a collection of RPCs to access and    3:24PM
11 manipulate playlists stored in the BigTable.
12     Q   So does the BigTable store the entire list
13 of multimedia content selected for playback?
14     MR. LEE:  Objection to form.
15     THE WITNESS:  So, again, what's described    3:24PM
16 in Paragraph 50 of my reply report is that the
17 playlist service stores lists of media items
18 selected for playback by the sender in what Google
19 refers to as the BigTable, which is identified by a
20 playlist ID.                    3:25PM
21     And playlist service provides video IDs
22 from media items from that stored list to the
23 playlist document service that returns the video IDs
24 to the Watch Next service.
25

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1  BY MR. HEFAZI:                    3:25PM
2      Q   Okay.  So in your opinion, does the
3  BigTable store the Watch Next queue?
4      A   I think as I've been describing throughout
5  the questioning, the Watch Next queue is a capability    3:25PM
6  that's provided by an ensemble of services including
7  Watch Next, playlist document service and playlist
8  service.
9      And together they are what are used to
10 provide the lists of media items for playback.        3:25PM
11     Q   Okay.  So the Watch Next queue is just a
12 capability, it's not an actual data structure that's
13 stored somewhere?
14     MR. LEE:  Objection to form.
15     THE WITNESS:  It's an ensemble of services    3:26PM
16 that work together to provide the remote playback
17 queue service or capability that's described and
18 disclosed in the claims of the '033 patent.
19 BY MR. HEFAZI:
20     Q   You keep referring to the capability.  Is    3:26PM
21 the Watch Next queue just a capability or is it an
22 actual data structure that's stored somewhere?
23     A   Well, again, looking at the claims, there
24 needs to be a capability that provides a list of media
25 items for playback.  And specifically what data    3:26PM

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1  structure is used for that is really not required by    3:26PM
2  the claims.  So my analysis is focusing on what
3  Google's cloud infrastructure does in order to provide
4  that capability.
5      Q   I see.  Now, the NexusQ prior art allowed    3:27PM
6  users to play back playlists like albums like an
7  AC/DC Back in Black album that were stored in the
8  cloud; correct?
9      A   Let me go remind myself what the NexusQ did.
10 That's over in my rebuttal report.            3:27PM
11     As I recall, there were a couple of
12 different versions that Dr. B referred to in his
13 report -- reports.
14     And it was my understanding -- I think
15 this is shown in the diagram in Paragraph 242 in my    3:27PM
16 report that the NexusQ, or I think it's sometimes
17 referred to as the Tungsten system, could be used
18 during the time -- the relevant time of the
19 invention could be used to basically send playlists
20 from a mobile device to a so-called Tungsten device    3:28PM
21 and then that Tungsten device could go out and use
22 the playlist to download content from some other
23 service.
24     I don't believe that --
25     Q   So when a user plays back the album AC/DC    3:28PM

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55 (Pages 214 - 217)